

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MAR 1 - 2006

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)

v.)

DWAYNE SQUARE)

CR. NO. 3:06CR72-WHA

[18 USC 922(g)(1);
21 USC 844(a)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about December 21, 2004, in Russell County, within the Middle District of Alabama,

DWAYNE SQUARE,

defendant herein, having been convicted of the following felony, a crime punishable by imprisonment for a term exceeding one year under the laws of the State of Florida, to-wit:

8/26/93, Possession of Marijuana over 20 Grams, in the Circuit Court of Okaloosa County, Florida, Case No. 93-713-CFB;

did knowingly possess in and affecting commerce a firearm, to-wit: a Bryco Arms, Model J25 .25 caliber, semi-automatic pistol, serial number 1258420, and .25 caliber ammunition, all in violation of Title 18, United States Code, Section, 922(g)(1).

COUNT 2

On or about December 21, 2004, in Russell County, within the Middle District of Alabama,

DWAYNE SQUARE,

defendant herein, did intentionally and knowingly possess marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 844(a).

FORFEITURE ALLEGATION

A. Counts 1 and 2 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment, the defendant,

DWAYNE SQUARE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

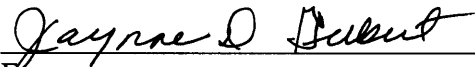
One Bryco Arms, Model J25 .25 Caliber, Semi-Automatic Pistol, Serial Number 1258420 and Ammunition.


C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described in paragraph B above, all in violation of Title 18, United States Code, Section 922.

A TRUE BILL:


Foreperson


VERNE H. SPEIRS
Assistant United States Attorney